

REMARKS

Applicants respectfully request reconsideration of this application, and reconsideration of the Office Action dated May 20, 2004. An RCE accompanies this Amendment. Upon entry of this Amendment, new claims 27-39 will be pending in this application. Claims 4-26 are canceled by this Amendment. The newly added claims are fully supported by the specification and original claims. No new matter is considered to have been introduced by this Amendment.

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As an initial matter, Applicants submit herewith a substitute Figure 6. Reference is made to the Amendment discussion above. Entry is respectfully requested.

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Claims 4-6, 20, and 22-25 were rejected under 35 U.S.C. 102(b) as anticipated by EP 0 476 458.

Claims 4-6, 20, and 22-25 were also rejected under 35 U.S.C. 102(b) as anticipated by Rode (U.S. Pat. No. 5,549,397).

In addition, claim 12 was rejected under 35 U.S.C. 103(a) as obvious based on EP 0 476 458 or Rode. Applicants note all of the previous claims are canceled by this Amendment. However, insofar as these rejections might be deemed applicable by the Examiner to the new claims, Applicants make the following remarks.

Independent claim 27, from which claims 28-33 all depend, concerns a differential unit of a motor vehicle for transmitting a driving force to a pair of driving wheels while absorbing a rotational difference therebetween. The differential unit includes a tubular spacer having at least one protruding section integrally formed on an inner surface thereof to protrude in a radial direction toward the drive pinion shaft. Moreover, the protruding section is formed to have a cross sectional shape which is convex along a central direction of the tubular spacer so that an inner surface of the protruding section is arched.

Furthermore, the tubular spacer is interposed between the inner races of the bearings such that the space covers the drive pinion shaft. An example of the above described features can be seen on Figure 1 corresponding to reference numbers 25 and 31.

Neither cited document teaches or fairly suggests a drive pinion shaft that employs a spacer having the characteristic features of the claimed invention. In other words, neither patent teaches or fairly suggests employing a tubular spacer that has a protruding section that has a cross sectional shape which is convex along a central direction of the tubular spacer so that an inner surface of the protruding section is arched. As shown by the Figures of each of the cited patents, the spacer for each patent does not include a protruding section protruding toward the shaft with the protruding section having a convex shape. Hence, neither patent teaches or fairly suggests each feature of the claimed invention.

In view of the above remarks, Applicants submit that these three rejections are overcome. Hence, reconsideration and withdrawal of the rejection are respectfully requested. It is also respectfully submitted that the present claims are directed at the elected embodiment and/or depend from allowable subject matter and thus are suitable for rejoinder such that all presented claims are suited for immediate allowance.

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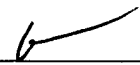
Applicants respectfully submit that this Amendment and the above remarks obviate the outstanding rejection in this case, thereby placing the application in condition for immediate allowance. Allowance of this application is earnestly solicited.

If any fees are due in connection with the filing of this Amendment, such as fees under 37 C.F.R. §§1.16 or 1.17, please charge the fees to Deposit Account 02-4300; Order No. 032405.100.

Respectfully submitted,

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IN THE FIGURES:

Applicants file with this Amendment a substitute Fig. 6 in this application. Newly presented Figure 6 exactly mirrors Figure 6 as presented in the foreign priority document of the present case. It is further noted that this substitute Figure more accurately reflects the prior art differential unit as compared to the original Figure 6 embodiment and thus entry is respectfully requested.